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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/558,943	02/02/2006	Steen Meier Ronborg	HOI-14002/16	6647
25006	7590	07/02/2010	EXAMINER	
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C			WITCZAK, CATHERINE	
PO BOX 7021				
TROY, MI 48007-7021				
			ART UNIT	PAPER NUMBER
			3767	
			MAIL DATE	DELIVERY MODE
			07/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/558,943	Applicant(s) RONBORG ET AL.	
	Examiner CATHERINE N. WITCZAK	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Truesdale (US 4,990,135).

Truesdale discloses a rod house (54) in which a rod (52) having a distal end and a needle (16) having a tapering end with a recess (Figure 5b) is slidably disposed; a chamber house (12) connected (via 56/58) to the rod house; the chamber house comprising at least one chamber, where a first wall of the chamber is a first sealing (28) and a second wall is a second sealing (60); the chamber comprising a medicament; the rod penetrating the first and second sealing when slid proximally; the rod house being sealed by a removable stationary rod house sealing (see Figure 2, wherein sealing 60 acts as a removable end seal for the rod house when the rod house and chamber house are attached); the distal end of the rod projecting out the distal end of the rod house (Figure 2); a spring (112) for retracting the rod after activation; a shoulder (76) in the house which engages a shoulder (106) on the rod for stopping advancement of the rod; the chamber house made from a plastic (Lucite); and a marking means (106) disposed concentrically on the rod which is activated when the rod is activated to mark that the rod has been activated (in that the user can gauge the movement of 106 relative to 76).

2. Claims 1, 2, 15-19, and 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Fishman et al (US 5,076,282).

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Fishman et al disclose a device comprising a rod house (608) having a rod with a tapering proximal end (606) slidably disposed in the housing (see Figure 41); the rod house being sealed by a stationary rod house sealing (604); a chamber house comprising first and second sealing walls (546/548) which contain a medicament (552); wherein the chamber house is connected to the rod house so that the proximal end of the rod penetrates the first and second sealings when slid proximally (see Figure 41); the distal end of the rod projecting out of the distal end of the rod house (see Figure 37); a common actuator (536); and a labeling (570) means arranged on the chamber house.

Response to Arguments

Applicant's arguments filed 4/7/10 have been fully considered but they are not persuasive. Applicant argues that Truesdale does not disclose a stationary or a removable rod house sealing in the proximal end. Examiner disagrees. The claims recite 'the rod house is sealed by a stationary rod house sealing in the proximal end' and 'the rod house is sealed by a removable rod house sealing in the proximal end.' As seen in Figure 2 of Truesdale, sealing element 60 is removably attached to the proximal end of the housing (in that the element is removed when element 12 is detaching from housing 54), and element 60 is also stationary (in that the element 60 does not move once it is attached to the rod housing).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

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date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE N. WITCZAK whose telephone number is (571)272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Catherine N Witzak/
Examiner, Art Unit 3767

/Kevin C. Sirmons/

Supervisory Patent Examiner, Art Unit 3767

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